

Greenspan, Geri M.

From: Howard, Theodore <THoward@wiley.law>
Sent: Thursday, February 4, 2021 2:10 PM
To: Abato, Diane M.
Cc: hventers@gmail.com; Katherine C. Londos; Nathan H. Schnetzler; Shannon Ellis; Greenspan, Geri M.; Deborah Golden; Jacqueline Kutnik-Bauder; Mirela Missova
Subject: U [REDACTED] C [REDACTED]

Good afternoon, Diane. I am writing to express Plaintiffs' counsels' serious concerns regarding your advisory last evening about the death of U [REDACTED] C [REDACTED] and VDOC's reporting with respect thereto.

As you know, except for a few instances during the early stages of the tenure of Warden Aldridge, when notification to Plaintiffs regarding deaths of FCCW prisoners was provided by regular Certified Mail (about which we raised timely complaints and you promptly saw to correction of the practice), a letter from the Warden accompanied by copies of contemporaneous Incident Reports has been transmitted to my attention – with a “cc” to the Compliance Monitor -- via overnight courier or express mail immediately following a death, with transmission of the decedent's medical records and the FCCW Mortality Review following, *seriatim*, in due course thereafter. Insofar as we are aware, at no time in the past has VDOC purported to distinguish its death notification obligations owed to the Compliance Monitor under the terms of the Settlement Agreement from its concomitant notification obligations to Plaintiffs' counsel.

Considered from this perspective, your advisory last night that Ms. C [REDACTED] passed away on January 13 – *three weeks ago* – and that Dr. Venters “was notified ... pursuant to the settlement agreement,” but without any concurrent notice to Plaintiffs' counsel is both extremely troubling and, in our view, wholly unacceptable. Indeed, but for Shannon Ellis' inquiry to you concerning Ms. C [REDACTED]' status, we would not even know for sure that she passed away, and we still have not been provided any information as to the circumstances of her death. This failure to provide Plaintiffs with notice is contrary to the letter and spirit of the Settlement Agreement and completely inconsistent with VDOC's long-established past practice.

On several occasions, you and your clients have expressed a desire for Plaintiffs' counsel to do more to encourage a greater level of trust between the women at FCCW and its medical providers. But when timely information to which we are entitled is withheld, we are left unequipped to tamp down possibly unfounded rumors or to provide our clients with assurances that appropriate measures were undertaken by medical staff, even if an unfortunate result in a particular case could not be prevented. Suppression of relevant information diminishes, rather than enhancing, the prospects for advancing this case towards a satisfactory conclusion.

We request that you provide us with an explanation of the basis for VDOC's failure to provide the Plaintiffs with timely and proper notice concerning Ms. C [REDACTED]' death as soon as possible, accompanied by your written commitment that VDOC will hereafter resume adherence with the notification procedures in use prior to this instance. In the absence of such explanation and assurance, we will have to consider bringing this matter to the Court's attention.

I look forward to your prompt response and thank you for your attention to this serious matter. Ted



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Greenspan, Geri M.

From: Abato, Diane M. <DAbato@oag.state.va.us>
Sent: Wednesday, February 3, 2021 6:27 PM
To: Shannon Ellis; klondos@faplawfirm.com; nschnetzler@faplawfirm.com
Cc: Ted Howard; Greenspan, Geri M.; Deb Golden; hventers@gmail.com
Subject: RE: U [REDACTED] C [REDACTED]

Shannon,

Thank you for your email regarding Ms. C [REDACTED]. Unfortunately, Ms. C [REDACTED] passed on January 13 after her family requested that life support be withdrawn on January 12. Dr. Venters was notified by Dr. Targonski pursuant to the settlement agreement. We are compiling the voluminous medical records and other documents to send to plaintiffs' counsel along with the mortality review pursuant to the settlement agreement. Thank you for your advocacy of these women. Diane

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From: Shannon Ellis <shannon@justice4all.org>
Sent: Wednesday, February 3, 2021 5:05 PM
To: Abato, Diane M. <DAbato@oag.state.va.us>; klondos@faplawfirm.com; nschnetzler@faplawfirm.com
Subject: U [REDACTED] C [REDACTED]

Good afternoon Diane,

I am writing regarding U [REDACTED] C [REDACTED], an elderly patient that—at least as of summer 2020—was incarcerated at FCCW. A number of our clients have reported to us that in late 2020, Ms. C [REDACTED], who was living in the FCCW Infirmary, became ill with Covid-19. Several clients have also reported hearing—although they could not confirm this from their personal knowledge—that Ms. C [REDACTED] had passed away sometime around the beginning of 2021.

We attempted to locate Ms. C [REDACTED] in the DOC Offender Locator system, but there is no result when searching by her name or DOC number. We hope that this indicates that she has been released. Can you please confirm that Ms.

C [REDACTED] does not appear in the DOC system due to her release? If, as we hope is not the case, she passed away at FCCW, we are concerned that we have not received notification of her death as the Settlement Agreement requires.

Please advise; thank you.

Sincerely,

Shannon

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